

**SUPREME COURT CALENDAR
SAN FRANCISCO SESSION
TUESDAY, JANUARY 6 and 7, 2004**

(FIRST AMENDED)

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom, located at 350 McAllister Street, Fourth Floor, San Francisco, California, on Tuesday, January 6, 2004.

TUESDAY, JANUARY 6, 2004—9:00 A.M.

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| (1) | S107616 | Huskinson & Brown v. Wolf |
| (2) | S108291 | People v. David Woodrow Smith |
| (3) | S113301 | Venegas v. County of L.A. |

WEDNESDAY, JANUARY 7, 2004—9:00 P.M.

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| (4) | S112443 | People v. Harold Taylor |
| (5) | S098817 | Covenant Care v. Superior Court, County of Los Angeles;
Inclan |
| (6) | S114551 | In re Raymond Steele on Habeas Corpus |

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

**SUPREME COURT CALENDAR
SAN FRANCISCO SESSION
TUESDAY, JANUARY 6, 2004**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

TUESDAY, JANUARY 6, 2004—9:00 A.M.

(1) Huskinson & Brown v. Wolf, S107616

#02-124 Huskinson & Brown v. Wolf, S107616. (B147298; 98 Cal.App.4th 113.)

Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: When a client has not consented in writing to an agreement between law firms to divide attorney fees as required by rule 2-200 of the Rules of Professional Conduct of the State Bar, may a law firm that is not otherwise entitled to share in such fees nonetheless recover from the other law firm in quantum meruit for the reasonable value of services it actually rendered on behalf of the client?

(2) People v. David Woodrow Smith, S108291

#02-156 People v. David Woodrow Smith, S108291. (B146786; unpublished opinion.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case includes the following issue: Has a registered sex offender failed to “inform” the police of a change of address as required by Penal Code section 290 if the offender timely mailed a change of address notice to the police but the police failed to receive it?

(3) Venegas v. County of L.A., S113301

#03-51 Venegas v. County of L.A., S113301. (B148398; 105 Cal.App.4th 636; Los Angeles County Superior Court; BC207136.) Petition for review after the Court of Appeal reversed a judgment of nonsuit in a civil action. This case includes the following issue: Are a county sheriff's criminal investigations actions that are carried out on behalf of the state or, alternatively, actions that are carried out on behalf of the county, for purposes of determining potential liability in a suit brought under the federal civil rights provisions set forth in 42 U.S.C. section 1983?

WEDNESDAY, JANUARY 7, 2004—9:00 A.M.

(4) People v. Harold Taylor, S112443

#03-28 People v. Harold Taylor, S112443. (A095412; 103 Cal.App.4th 1275; Mendocino County Superior Court; SCUk-CRCR-00-37366-02.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court limited review to the following issue: Must a defendant know that a woman is pregnant before the defendant can be convicted of the implied malice murder of her fetus, or may such a conviction be based simply on the defendant's conscious disregard of the risk his or her conduct poses to human life in general, at least in the context of a mother and her unborn child?

(5) Covenant Care v. Superior Court, County of Los Angeles; Inclan, S098817

#01-117 Covenant Care v. Superior Court, County of Los Angeles; Inclan, S098817. (B145406; 89 Cal.App.4th 928.) Petition for review after the Court of Appeal denied a petition for peremptory writ of mandate. This case includes the following issue: Must a plaintiff obtain prior court approval under Code of Civil Procedure section 425.13 in order to assert a claim for punitive damages against a health care provider when the claim is based on an alleged violation of the Elder

Abuse and Dependent Adult Civil Protection Act (Welf. & Inst. Code, § 15600 et seq.)?

(6) In re Raymond Steele on Habeas Corpus, S114551

03- 69 Steele on Habeas Corpus, S114551. Original proceeding. In this case, which is related to the automatic appeal in *People v. Steele* (2002) 27 Cal.4th 1230, the court issued an order to show cause including the following issues: Should a post-conviction discovery motion pursuant to Penal Code section 1054.9 generally be filed in the first instance in this court or in the trial court? What is the scope of the prosecution's duty, if any, to provide discovery under section 1054.9 of materials unrelated to the charged crimes or prosecution evidence in aggravation but that might provide penalty phase mitigating evidence?